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### **REMARKS/ARGUMENTS**

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful.

#### **Status of Claims and Support for Changes in the Claim Listing**

Claims **1-15, 17, 19, 21-23, 25, and 27-32** were pending in the application.

Claims **1-15, 17, 19, 21-23, 25, and 27-32** were rejected.

Claims **28 -32** have been cancelled.

Claims **18 and 20** has been reinstated.

Therefore claims **1-15, 17-23, 25, and 27** remain pending in the application.

Claims 28-32 which were added in the reply to the first office action have been cancelled in order to expedite the prosecution. No implication on the desirability, accuracy, novelty or inventive step of the cancelled claims should be construed from their cancellation. Claim 18 (depending on claim 13) and claim 20 (depending on claim 19) which were cancelled in the reply to the first office action in order to save on expenses (due to the addition of new claims) have now been reinstated. Therefore no new matter has been added.

#### **Claim Rejections**

##### ***35 U.S.C. § 103 Rejections***

The Examiner has rejected claims 1-7, 11-15, 17, 19, 21-23, 25, and 27 under 35 U.S.C 103 as being unpatentable over Cooke, Jr. et al (US 6,574,629, hereinafter "Cooke") in view of Bocionek (US 2002/0091765, hereinafter "Bocionek").

Applicant appreciates the time and consideration provided by the Examiner in reviewing this application, however, respectfully traverses the rejection of the claims at least for the following reasons.

Applicant respectfully submits that neither Cooke nor Bocionek, singly or in combination, teaches or suggests a digital image communication in medicine (DICOM) modality worklist which is examined so as to ensure that in a faster access part of storage there is available at least some data deemed likely to be accessed in connection to a task scheduled by the worklist, as recited in independent claims 1, 13, and 25. Applicant also respectfully submits that neither Cooke nor Bocionek, singly or in combination, teaches or suggests the querying of a hospital information system or radiology information system and receiving data related to a task scheduled by a DICOM modality worklist so as to ensure that in a faster access part of storage there is available at least some data deemed likely to be accessed in connection to that scheduled task as recited in independent claims 12 and 27. Applicant also respectfully submits that neither Cooke nor Bocionek, singly or in combination, teaches or suggests a worklist examiner configured to examine a DICOM modality worklist and determine at least one type of data relating to a task scheduled by the worklist which is likely to be accessed and a retriever configured to transfer or copy data which is of at least one of said types and is available only in a slower access part of a storage to a faster access part of a storage, as recited in independent claim 21.

Applicant respectfully reiterates what was previously submitted as an argument in the reply to the first office action, that there is neither a hint nor an indication that the worklist described in Cooke is similar to the worklist of the current application. Certainly, there is no indication that the worklist described in

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Cooke is a DICOM modality workload, which is a well known standard. For example, Cooke talks about prefetching relevant studies to a reviewing station in column 18 lines 55-59.

The present invention includes the ability to route relevant prior studies to a reviewing station in contemplation of a scheduled event, such as a patient examination or the like. This process is called pre-fetching, and is effected by code executing on the network gateway. (underline added)

Note that Cooke in Column 11 lines 53 to 54 specifically equates the workload with the studies.

The workload comprises the study, or group of studies, that the user selects from the main study list.

Therefore in contrast to the current invention where the DICOM modality workload feature for example ensures that data deemed likely to be accessed in connection to a task scheduled by the workload is available in a faster access part of storage or enables the copying/transferring of such data to a faster access part of storage, in Cooke it is the relevant worklists which are prefetched. This distinction is proof that not only is the workload described by Cooke not a DICOM modality workload but moreover the workload in Cooke does not even remotely serve the same function as workload of the invention described in the current application. To further hone the point, there is neither a hint nor an indication that in Cooke a workload is examined or that data related to a workload is received so as to ensure that data relating to a task scheduled by the workload and likely to be accessed is available in a faster access part of storage or so that such data can be copied/transferred to a faster access part of storage.

Applicant also respectfully submits that the quotes from Cooke used by the Examiner in the office action which relate to prefetching are themselves further proof that Cooke does not teach or suggest that a workload is examined or that data related to a workload is received so as to ensure that data relating to a task

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scheduled by the worklist and likely to be accessed is available in a faster access part of storage or so that such data can be copied/transferred to a faster access part of storage.

The Examiner quoted the following from Cooke against claims 1 and 25

The worklist comprises the study, or group of studies, that the user selects from the main study list.

The present invention includes the ability to route relevant prior studies to a reviewing station in contemplation of a scheduled event, such as a patient examination or the like.

predetermined PACS pre-fetching rules stored in memory on the network gateway take over to retrieve relevant prior studies from a memory (e.g., the archive) on the PACS.

Once this is done, the prior studies are copied into the archive station's cache (or, alternatively, the network gateway's cache) and routed to the appropriate stations automatically

Applicant respectfully submits that the above quotes, quoted by the Examiner, together reinforce the argument made above that by the applicant that what is prefetched in Cooke is the worklist (since worklist= study/ies). Therefore the Examiner's own quotes reinforce the argument that not only is Cooke's worklist not a DICOM modality worklist but that moreover Cooke's worklist has a completely different functionality than the worklist of the current invention.

The Examiner quoted against claims 12, 27, and 13

predetermined PACS pre-fetching rules stored in memory on the network gateway take over to retrieve relevant prior studies from a memory (e.g., the archive) on the PACS. (emphasis added)

Therefore the Examiner's own quotes again reinforce the argument that what is prefetched in Cooke is the worklist (since worklist= study/ies) and

therefore not only is Cooke's worklist not a DICOM modality worklist but moreover Cooke's worklist has a completely different functionality than the worklist of the current invention.

The Examiner quoted against claim 21

Once the network gateway receives the requested information from the RIS, predetermined PACS pre-fetching rules stored in memory on the network gateway take over to retrieve relevant prior studies from a memory (e.g., the archive) on the PACS. (emphasis added)

Therefore the Examiner's own quote again reinforces the argument that that what is prefetched in Cooke is the worklist (since worklist= study/ies) and therefore not only is Cooke's worklist not a DICOM modality worklist but that Cooke's worklist has a completely different functionality than the worklist of the current invention.

The Examiner also quoted from Cooke the following regarding pre-fetching:

the network gateway can request information concerning the nature of the scheduled event (e.g., an exam, consultation, surgery, etc.), the time and date of the scheduled event, and the body part pertaining to the scheduled event, among other things. (cited against claim 1, 25, 12, 27, and 13)

pre-fetching involves RIS gateway 46 receiving information concerning a scheduled event from RIS 44, and then transmitting that information to the PACS, in particular to network gateway 6 (see FIG. 1). The network gateway then queries the RIS, via the RIS gateway, requesting details concerning the scheduled event. (cited against claim 21)

Neither of these quotes from Cooke mention a worklist/studies and therefore Applicant respectfully submits that they are irrelevant to the discussion.

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In Bocionek (a reference new to this office action), the only time a worklist is mentioned is in the following quote:

In addition to these "administrative activities", the RIS often also acts as workflow driver in radiology in order, for example, to send request data in the form of a DICOM worklist entry to a modality such as a CT, MR or X-ray device at which the examination is to take place. Given current systems, the examination data, for example, a number of images, series and radiation protection data such as tube voltage (kV), mAs product (mAs), time (s), energy dose (Gy), etc., must be manually read by a worker and transmitted into the RIS for the required transfer of the examination data from the modality into the RIS for documentation and billing, a considerable outlay and additional sources of error occurs as a result.

It is therefore clear that there is neither a hint nor an indication in Bocionek that the mentioned DICOM worklist is examined or that data related to the worklist is received so as to ensure that data relating to a task scheduled by the worklist and likely to be accessed is available in a faster access part of storage or so that such data can be copied/transferred to a faster access part of storage. The remainder of Bocionek mainly deals with electronic mail.

Based on the above, applicant respectfully submits that Applicant respectfully submits that neither Cooke nor Bocionek, singly or in combination, teach or suggest independent claims 1, 12, 13, 21, 25, and 27 and that therefore independent claim 1, 12, 13, 21, 25, and 27 are allowable.

Dependent claims 2-7, 11, 14-15, and 17-23, which depend directly or indirectly from the independent claims therefore include the limitations of the independent claims. Applicant therefore respectfully asserts that the dependent claims are also allowable.

Claims 8 to 10 were rejected under 35 U.S.C 103(a) as being unpatentable over Cooke, Jr. et al (US 6,574,629) in view of Bocionek (US 2002/0091765) as applied to claim 1 above, and further in view of Sechrest et al (US 6,910,106).

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Applicant respectfully asserts that as independent claim 1 is allowable, dependent claims 8-10 which depend directly or indirectly on claim 1 are also allowable.

Applicants believe the remarks presented hereinabove to be fully responsive to all of the grounds of rejection raised by the Examiner. In view of these remarks, Applicants respectfully submit that the specification and all of the claims in the present application are in order for allowance. Notice to this effect is hereby requested.

Please charge any fees associated with this paper to deposit account No. 09-0468.

Respectfully submitted,

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